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6-7-01  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**GAIL GALLOWAY,**

**Plaintiff,**

**v.**

**PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE et al.,**

**Defendants.**

**CIVIL NO. 1:CV-00-0649**

**FILED**  
HARRISBURG, PA

**JUN 07 2001**

**MARY E. D'ANDREA, CLERK**  
Per MA  
Deputy Clerk

**ORDER**


Before the court are Defendant William B. Stewart's motion for summary judgment and Plaintiff's motion to compel and request for sanctions. In opposition to the motion for summary judgment, Plaintiff has argued that summary judgment is inappropriate because Defendant Stewart failed to comply with the Federal Rules of Civil Procedure by refusing to answer Plaintiff's interrogatories. In his motion to compel, Plaintiff contends that he served said interrogatories on Defendant Stewart on February 27, 2001, more than one month before the close of discovery.

The court ordered Defendant Stewart to respond to the motion to compel on or before June 1, 2001. Defendant Stewart filed said response, arguing that Plaintiff has not acted in good faith in filing the motion to compel, and that Plaintiff's discovery requests are irrelevant and objectionable. (*See* Def. Br. in Opp. Mot. Comp.) However, Defendant Stewart also attached answers to Plaintiff's interrogatories to his brief in opposition to the motion to compel. As said answers were served upon Plaintiff, the court need not grant or deny Plaintiff's motion,

except to the extent that Plaintiff seeks sanctions for his costs associated with filing his motion to compel.

Accordingly, the court will deny as moot Plaintiff's motion to compel. Furthermore, the court will deny Plaintiff's motion for sanctions as Plaintiff has not presented any evidence that he first made "a good faith effort to obtain the disclosure or discovery without court action" as required by Federal Rule of Civil Procedure 37(a)(4)(A). Specifically, Plaintiff did not "file with the motion a statement certifying that [Plaintiff] has conferred with counsel for the opposing party in good faith effort to resolve by agreement the issues raised by the motion without the intervention of the court, together with a detailed explanation why such agreement could not be reached." Pa.M.D. L.R. 26.3. Therefore, **IT IS HEREBY ORDERED THAT:**

- (1) Plaintiff's motion to compel is **DENIED as MOOT;**
- (2) Plaintiff's motion for sanctions for costs incurred in filing his motion to compel is **DENIED;**
- (3) Plaintiff shall have until June 15, 2001, to file an amended response to Defendant's motion for summary judgment in light of the answers to interrogatories submitted by Defendant;
- (4) Defendant shall have until June 27, 2001, to file a reply to Plaintiff's amended response to Defendant's motion for summary judgment.

  
JUDGE SYLVIA H. RAMBO  
United States District Judge

Dated: June 7, 2001

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

June 7, 2001

Re: 1:00-cv-00649 Galloway v. Pennsylvania Board o

True and correct copies of the attached were mailed by the clerk  
to the following:

Gail J. Galloway  
R.D. #1, Box 30  
Petersburg, PA 16669

Peter M. McManamon, Esq.  
Henry, Corcelius, Gates, Gill & Ody  
200 Penn Street  
P.O.Box 383  
Huntingdon, PA 16652

cc:

Judge	(X )	( ) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other_____	( )	

MARY E. D'ANDREA, Clerk

DATE: June 7th, 2001

BY:

